

REMARKS

Claims 31-37 and 51-66 were pending when the Office Action was mailed. Applicant has amended claim 37 to correct a minor typographical error and claim 58 to more particularly define the claimed technology. Applicant has not canceled or added any claims. Accordingly, claims 31-37 and 51-66 are now pending.

Telephonic Interview

Applicant thanks Examiner Bhatia for the courtesies extended during a telephonic interview completed on April 20, 2009, with applicant's representative and the undersigned. The participants discussed differences between the pending claims and the applied references. Further details of the telephonic interview are provided below. If the Examiner desires additional information, he is asked to contact the undersigned. Applicant notes that the Interview Summary mailed on April 28, 2009, incorrectly states the Date of Interview as April 6, 2009. The undersigned reminds Examiner Bhatia that the interview date was moved at his request to accommodate his scheduling conflict.

Rejections Under 35 U.S.C. § 101

The Office Action rejects claims 58-64 under 35 U.S.C. § 101. Although applicant disagrees with the propriety of the rejections, applicant nevertheless amends claim 58 to expedite prosecution and requests reconsideration. (Office Action, Page 2.)

Rejections Over Applied References

The Office Action rejects claims 31-34, 36, 37 and 51-66 under 35 U.S.C. § 102(e) over U.S. Patent No. 6,677,894 ("Sheynblat"). The Office Action rejects claim 35 under 35 U.S.C. § 103(a) over the combination of Sheynblat and another reference. Applicant respectfully traverses these rejections.

Claims 31-37 recite "a communication component configured to transmit first Internet data over a wireless connection to a server computing device storing position-

related information and to receive second Internet data over the wireless connection from the server computing device; wherein the first Internet data includes the geographical position of the mobile computing device and the user selection of a type of information and the second Internet data includes data selected in response to the user selection and the geographical position of the mobile computing device." (Emphasis added.)

Claims 51-57 recite "a server configured to receive first Internet data from a base station, the first Internet data including a geographical position of a mobile computing device and a user selection of a type of information transmitted to the base station from the mobile computing device over a wireless connection; and the server further configured to select data responsive to the user selection and the geographical position from a database and to send the selected data as second Internet data to the base station." (Emphasis added.)

Claims 58-64 recite "receiving by the computing system first Internet data from a base station, the first Internet data including a geographical position of a mobile computing device and a user selection of a type of information." (Emphasis added.)

Claims 65-66 recite "a base station configured to receive first Internet data over a wireless connection from a mobile computing device, wherein the first Internet data including a geographical position of the mobile computing device and a user selection of a type of information." (Emphasis added.)

As was discussed during the telephonic interview, applicant is unable to discern from any portion of Sheynblat a disclosure of at least the underlined features. Examiner Bhatia suggested during the telephonic interview that these features are inherent in Sheynblat because Sheynblat's technique enables a user to "select from a list of services and/or types of information." (Sheynblat, 18:7-8.) However, to be inherent, "the missing descriptive matter ... [must] necessarily [be] present in the thing described in the reference, and ... it would be so recognized by persons of ordinary skill. ... The mere fact that a certain thing may result from a given set of circumstances is not

sufficient". (See MPEP § 2112(IV), emphasis added.) However, Sheynblat's technique can work without this feature missing in that disclosure. Sheynblat is directed to "a satellite positioning system (SPS), such as the Global Positioning System (GPS)." (Sheynblat, 1:15-17.) As is known in the art, SPS and GPS systems commonly employ one-way communication, sometimes at high bandwidth. For example, user devices with GPS receivers can receive weather and traffic information from a satellite, but generally do not transmit any information to the satellite. (See, e.g., Background section of Sheynblat.) Thus, the satellite can broadcast a large amount of information that a user device can receive. When a user selects a particular service (e.g., weather), the user device can display the received (and optionally stored) information pertaining to that service without transmitting the user's selection to a server or other device. Sheynblat discusses providing Internet-related information relating to the user's geographical area in this manner. To receive location-based information, Sheynblat's technique can employ a wireless system (e.g., SMS via a mobile phone) to transmit the user's location information to a server. (See, e.g., Sheynblat at 15:1-16:5.) Thus, Sheynblat's system can operate in a manner different from the technique Examiner Bhatia believes to be inherent. Because the recited features are not necessary in Sheynblat's technique, they are not inherent. (See, MPEP § 2112(IV).)

Accordingly, the pending claims patentably define over the applied references and applicant respectfully requests reconsideration.

Conclusion

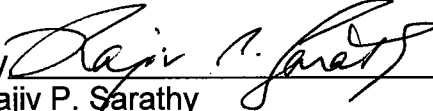
In view of the above amendment, applicant believes the pending application is in condition for allowance. The claims each recite a novel combination of elements that is neither taught nor suggested by the applied references and so cannot be properly rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a). Applicant does not concede any rejection not specifically responded to and reserves its rights to respond to such rejections later.

Based on these amendments and remarks, applicant respectfully requests early allowance of this application. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6478.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 320528065US2 from which the undersigned is authorized to draw.

Dated: May 11, 2009

Respectfully submitted,

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